

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

ABDELLAH ESSABER

petitioner

v

Joseph McDonough and Steven Farquhar

respondents

Habeas Corpus

A96-413-207

Petitioner's Request for Voluntary Departure
and request for Proceeding in forma pauperis

On June 9, 2004, petitioner ABDELLAH ESSABER
an INS detainee currently confined
at Plymouth County Correctional Facility, has
filed a Habeas Corpus under 28 U.S.C. sec 2241
and as well as request for proceeding in
forma pauperis 28 U.S.C. sec 1915, accordingly

The clerk shall correct the case caption
to reflect that the only respondent to this
action is the Sheriff of Plymouth County.
Joseph McDonough, a writ of Habeas Corpus
must be directed to the person having
custody of the person detained 28 U.S.C.
sec 2243. *Marmol v Dubois*, 885 F. Supp. 444, 446
(D. Mass 1994).

Petitioner's legal custodian is the Sheriff
of Plymouth County, the individual having
day to day control over the Facility in
which petitioner is being detained. *Vasquez*
v Reno 233 F.3d 688, 694 (1st Cir 2000) cert
denied. *Sub Nom Vasquez v Ashcroft*
122 S. Ct 43 (2001)

Mass Gen laws ch 126 sec 16

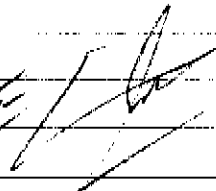
Sheriff shall have custody and control of the jails in his county. and shall be responsible for them.

#2) petitioner governing voluntary departure under U.S.C. ch 1229c. See 8 U.S.C § 1229c(b)(1) (B) 1997. Section 229c expressly delegates the authority to enter an order granting Voluntary departure To Immigration Judges, subject to discretion.

#3) The Clerk of this Court shall serve a copy of this petition, by certified mail upon (i) Sheriff Joseph McDonough, Plymouth County Correctional Facility, 26 Long Pond Rd, Plymouth Ma, 02360 (ii) The United States Attorney (iii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728 J.F.K. Building, Station Boston Ma, 02114

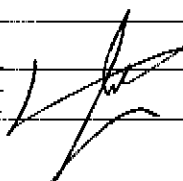
#4) The respondent shall within (48) days of this receipt of this Order, file an answer or other responsive pleading

Petitioners Supplemental Affidavit in Support of Request for Voluntary Departure.

ABDE / 

PLEASE HELP ME TO BE
WITH MY CHILDREN

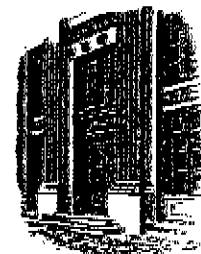
THANK

ABDE / 



City of Quincy, Massachusetts

Mayor James R. McIntyre City Hall
1305 Hancock Street
Quincy, Massachusetts 02169



Office of the City Clerk
JOSEPH P. SHEA
City Clerk

MAUREEN L. HALLSEN
Assistant City Clerk

TEL (617) 376-1131
FAX (617) 376-1139



The Commonwealth of Massachusetts DEPARTMENT OF PUBLIC HEALTH REGISTRY OF VITAL RECORDS AND STATISTICS CERTIFICATE OF MARRIAGE

(State file number)
QUINCY
(City or town including county)
Registered No. 132

1 Place of Marriage

City or Town **QUINCY**

(Do not enter name of village or section of city or town)

2 Date of Marriage **APRIL 15 2003**

(Month) (Day) (Year)

Intention No. **117**

3 FULL NAME GROOM ABDELLAH ESSABER		12 FULL NAME BRIDE MALIKAH L. GRIER	
3A SURNAME AFTER MARRIAGE ESSABER		12A SURNAME AFTER MARRIAGE GRIER	
4 DATE OF BIRTH OCT. 5 1960	5 OCCUPATION DUNKIN DONUTS	13 DATE OF BIRTH AUG. 18 1984	14 OCCUPATION AT HOME
6 RESIDENCE NO. & ST. 125 ROSSETER STREET CITY/TOWN BOSTON ST. MA ZIP CODE 02121		15 RESIDENCE NO. & ST. 95 MILTON AVENUE #17 CITY/TOWN BOSTON ST. MA ZIP CODE 02124	
7 NUMBER OF MARRIAGE (1st, 2nd, 3rd, etc.) 1ST	8 WIDOWED OR DIVORCED ---	16 NUMBER OF MARRIAGE (1st, 2nd, 3rd, etc.) 1ST	17 WIDOWED OR DIVORCED ---
9 BIRTHPLACE CASABLANCA MORROCO (City or town) (State or country)		18 BIRTHPLACE BOSTON MA (City or town) (State or country)	
10 MAIDEN NAME OF MOTHER AICHA AITOWGBAR		19 MAIDEN NAME OF MOTHER DENISE R. SPIVEY	
11 NAME OF FATHER LAHCEN ESSABER		20 NAME OF FATHER MARK F. SPRINGSTEAD	
21 THE INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Commonwealth of QUINCY according to law, this 28TH day of MARCH 2003			
<input type="checkbox"/> COURT WAIVER issued APR 15 2003 by <i>Joseph Shea</i> (City or Town Clerk or Registrar)			
22 I HEREBY CERTIFY that I solemnized the marriage of the above-named persons at No. 1305 HANCOCK St. (If marriage was solemnized in a church, give its NAME instead of street and number) QUINCY on APRIL 15 2003 (Name of city or town) (Month) (Day) (Year) Signature: <i>Joseph Shea</i> JOSEPH P. SHEA JUSTICE OF THE PEACE (Print or type name) Address: 6 HERITAGE ROAD QUINCY MA (City or town including county)			
23 Certificate recorded by city or town clerk APR 15 2003 CLERK OR REGISTRAR <i>Joseph Shea</i> (Month) (Day) (Year)			

And I do certify that the foregoing is a true copy from said records:
Witness my hand and seal of said City of Quincy.

On this 16th day of April 2003

Joseph Shea



The Commonwealth of Massachusetts
Department of Revenue
Child Support Enforcement Division

ALAN LEBOVIDGE
COMMISSIONER
MARILYN RAY SMITH
DEPUTY COMMISSIONER

03/05/2004

ABDELLAH ESSABER
245 WATER ST
QUINCY, MA 02169-0000

Re: Custodial Parent: HAYAT RHADBANE
Child(ren): WEDADE T. SCORZAILO

Dear ABDELLAH ESSABER:

The Child Support Enforcement Division of the Massachusetts Department of Revenue (DOR) is the agency responsible for establishing and enforcing child support obligations. The custodial parent named above has named you as the other parent of the child(ren) named above.

When a parent applies and becomes eligible for our services, it is our policy to notify the other parent, as you are now both customers of DOR. DOR may initiate court action to obtain or modify an order for you to pay child support. If the paternity of a child named above is at issue, DOR may also initiate court action to establish the child's paternity. If you are ordered to pay child support through DOR, we will credit your account and ensure that the money is distributed properly and promptly. DOR is authorized to institute a wide range of enforcement measures to enforce a child support order if past-due support (also known as "arrear") accrues. DOR will also review your child support order for potential modification upon your request.

As of the date of this letter, DOR cannot give you credit for any child support paid directly to the custodial parent named above. If you are making payments directly to the custodial parent and you wish to receive credit, please contact DOR's Customer Service Bureau at the number below to arrange payment through DOR. You are also required to contact DOR if your address or employment changes.

Please review the attached information about how to use DOR's Voice Response System (VRS). You can call the VRS to receive information about your case using your Participant Identification Number (PIN) or your Case Number indicated below. The information is available to you 24 hours per day.

CSO: 06
PIN: 00.2095.4400

In the Matter of:
ESGARRE, ARDELIAH

Case No.: 474-413-207

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that the respondent is subject to removal on the charge(s) in the Notice to Appear. The respondent has made application solely for voluntary departure in lieu of removal.

It is HEREBY ORDERED that the respondent be GRANTED voluntary departure in lieu of removal, without expense to the Government on or before May 24, 2004 or any extensions as may be granted by the District Director, Immigration and Naturalization Service, and under whatever conditions the District Director may direct.

It is FURTHER ORDERED:

1. that the respondent post a voluntary departure bond in the amount of _____ with the Immigration and Naturalization Service on or before _____;
2. that the respondent shall provide the Immigration and Naturalization Service travel documentation sufficient to assure lawful entry into the country to which the alien is departing within 60 days of this order, or within any time extensions that may be granted by the Immigration and Naturalization Service.

Other Respondent to remain in custody
until departure

It is FURTHER ORDERED that if any of the above ordered conditions are not met as required, the above order shall be withdrawn without further notice or proceedings and the following shall thereupon become immediately effective: respondent shall be removed to MOPACCO on the charge(s) in the Notice to Appear.

It is FURTHER ORDERED that if respondent fails to depart as required, the above order shall be withdrawn without further notice or proceedings and the following order shall become immediately effective: respondent shall be removed to MOPACCO on the charge(s) in the Notice to Appear.

If you fail to appear for removal at the time and place ordered by the IJ, either then because of exceptional circumstances beyond your control (such as POW)

serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances), you will not be eligible for the following forms of relief for a period of ten (10) years after the date you were required to appear for removal:

- (1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- (2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- (3) Adjustment of status on charge of status as provided for in section 245, 245a, or 249 of the Immigration and Nationality Act.

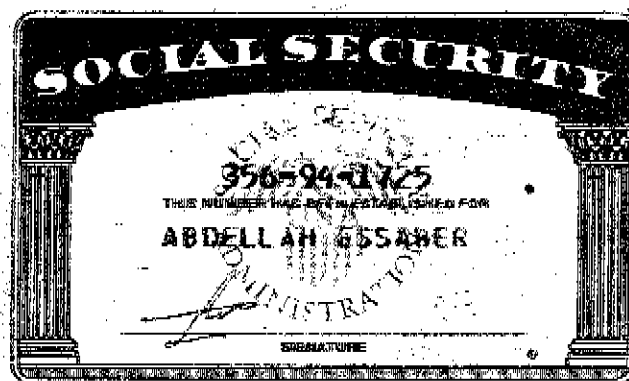
ELIZA C. K.
 ELIZA C. K.
 Immigration Judge
 Date: May 24, 2004

Appeal: WAIVED (A)(8)
 Appeal Due By: May 23, 2004

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: PERSONAL SERVICE
 TO: 1 ALIEN c/o Custodial Officer Alien 1/3 INS
 DATE: 3-2-04 BY: COURT STAFF
 Attachments: 1 EOIR-33 1 EOIR-28 1 Legal Services List 1 Other

109. BURGIN PRKWY
QUINCY MA 02169



CASE No: A 96-413-207

Massachusetts			Driver's License		
10-05-60	10-05-04	M	5'05"	D	S18090861
Date of Birth	Expires	Sex	Height	Class	Number

109. BURG IN PRKWAY
QUINCY MA 02169 ←

ESSABER
ABDELLAH
30 BROOK RD
2
QUINCY, MA
02169

David J. Anderson Registrar



CASE NO: A 96-413-207